

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DONALD L. DAKE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-12-517-L
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social)	
Security Administration,)	
)	
Defendant.)	

ORDER

On March 15, 2013, Magistrate Judge Gary M. Purcell entered a Report and Recommendation in this action brought by plaintiff Donald L. Dake pursuant to 42 U.S.C. §405(g) for judicial review of the defendant Commissioner of the Social Security Administration's (Commissioner's) final decision denying plaintiff's application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 416(i), 423. The Magistrate Judge recommended that the Commissioner's decision be affirmed.

The court file reflects that plaintiff timely filed his Objection to Report & Recommendation, which the court has carefully considered. Upon review, the court finds that plaintiff's objections are insufficient to justify overturning the conclusions of the Magistrate Judge in this matter.

The court finds that the Magistrate Judge properly found that plaintiff failed to show that the ALJ erred in assessing plaintiff's residual functional

capacity (RFC) for work during the relevant time period prior to the expiration of his disability insurance benefits (DIB) insured status. As noted by the Magistrate Judge, the ALJ found that plaintiff's allegation of disabling pain and nonexertional impairments was not entirely credible given the medical evidence in the record. The Magistrate Judge further concluded that the RFC assessment conducted by Dr. Woodcock also provided support for the ALJ's RFC finding for light work. Thus, the court agrees that there is substantial evidence in the record to support the ALJ's findings and the step four determination that plaintiff's impairments did not preclude the performance of his previous salesman position prior to the expiration of his DIB insured status. Plaintiff's arguments were correctly analyzed under proper legal standards and the findings in the Report and Recommendation are supported by the record.

Thus, upon *de novo* review, the court finds that the the Report and Recommendation should be and is hereby adopted in its entirety. Accordingly, the decision of the Commissioner to deny plaintiff's application for disability insurance benefits is **AFFIRMED**.

It is so ordered this 3rd day of May, 2013.


TIM LEONARD
United States District Judge